

### **Remarks**

This Response is filed in reply to the Office action dated March 24, 2008. By this Response, Applicant has amended Claim 1 and added new Claims 46-47. Claims 2-3 and 7-18 are original or have been previously presented, and Claims 4-5 and 19-45 remain canceled. No new matter was added by this Amendment. Reexamination and reconsideration in view of the amendments and remarks contained herein are respectfully requested.

#### **I. Objections to the Drawings**

The Examiner has indicated that the drawings have been accepted. March 24, 2008 Office action, p.2. However, the Office Action Summary does not affirmatively indicate that the drawings have been accepted. Applicant respectfully requests the Examiner to note that the drawings have been accepted in the subsequent Office communication summary.

#### **II. Claim Rejections – 35 U.S.C. 112, 1<sup>st</sup> paragraph**

The Examiner rejected claims 1-3 and 6-18 for failing to comply with the written description requirement. Particularly, the Examiner was “unable to locate any disclosure of those limitations within the specification stating the limitation was performed automatically or with the use of the term automatically.”

For at least the reasons set forth below, the Applicant respectfully disagrees. To begin, § 112, first paragraph does not require amendments to be a word-for-word repetition of the specification. “To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.” MPEP § 2163(I). The originally filed specification would convey to one of ordinary skill in the art that the XML processor “automatically” chooses matching components. For instance, figure 5 states, “Document engine automatically determines the appropriate document set for an enforceable transaction.” As the XML processor is part of the “document engine” described in figure 5, it follows that the XML processor “automatically . . . chooses one of the matching components.”

However, the term “automatically” has been deleted from claim 1 in the interest of furthering prosecution.

### III. Claim Rejections – 35 U.S.C. 103(a)

#### A. Rejections of Claims 1-3, 6-9, and 13-18

Claims 1-3, 6-9, and 13-18 stand rejected as being unpatentable over U.S. Patent No. 6,006,242 issued to Poole et al. (hereinafter referred to as “Poole”) in view of U.S. Published Patent Application No. 2003/0163809 issued to Bantz et al. (hereinafter referred to as “Bantz”), and further in view of U.S. Patent No. 7,168,035 issued to Bell et al. (hereinafter referred to as “Bell”). As discussed below in more detail, Poole, Bantz, and Bell taken alone or in combination, do not teach or suggest applying precedence as claimed.

##### 1. Poole fails to disclose applying precedence as claimed

Poole does not teach or suggest “wherein precedence involves the XML processor identifying two or more matching document components and dynamically choosing one of the matching components **based on at least one of an identity of a party requesting the document and an identity of an ancestor of the party requesting the document**” as recited in Claim 1. In contrast, Poole teaches a document generation system that uses a document developer to specify the content that is to be included in a document through entity references. (Col. 5, lines 3-9). Neither the identity of the requesting party or the identity of an ancestor of the requesting party is used in the document resolution process of Poole.

Poole discloses resolving entity references by selecting the first matching identifier encountered in a catalog. As previously noted by the Applicant and the Office, Poole discloses that after a “document developer authors a document instance and associates entity references with the document instance...an entity reference is read from the document at step 123. One or more catalogs are searched at step 125 in order to match the entity reference with a corresponding entity identifier stored in a catalog. It is noted that more than one entity identifier and corresponding resolution strategy may be stored in one or more of the catalogs. It is desirable that the resolution strategy of the first matching entity identifier in a catalog be executed.” (Col. 6, lines 52-63, emphasis added). Poole further discloses that the “Entity Manager 152 searches for the first occurrence of an entity identifier in the sequence of catalogs that matches the name of the entity reference resolved. Thus, the Entity Manager 152 will

implement the first resolution strategy it locates upon determining the occurrence of a matching condition.” (Col. 16, lines 52-63 emphasis added).

Accordingly, Poole teaches attempting to match an entity reference specified by a document developer with an entity identifier in a catalog. When one or more catalogs include identical entity identifiers, the first matching entity identifier encountered is chosen. However, choosing the first matching identifier encountered is not applying precedence as it is defined in Claim 1. The concept of ‘precedence’ is described in the present application as follows:

[the] document assembler pulls document components from the knowledge base that meet the requirements delivered to the document assembler. . . . In the event that the document assembler encounters two or more components in the knowledge base that meet the requirements of the needed document, the assembler chooses the document component according to the identity of the entity requesting the document, or, if no matching component is found, according to the identity of one of the entity’s parents or ancestors. If no match is found, a default component is provided.

(page 3, paragraph 10). Therefore, as described in the specification and recited in claim 1, applying precedence involves identifying two or more matching document components and dynamically choosing one of the matching based on at least one of an identity of a party requesting the document and an identity of an ancestor of the party requesting the document. Accordingly, the resolution strategy disclosed in Poole, which finds and selects the first matching entity identifier, cannot be considered “applying precedence,” as recited in independent Claim 1.

## 2. Bantz fails to disclose applying precedence as claimed

Bantz does not cure the deficiencies of Poole with respect to applying precedence. Bantz discloses “a method, computer program product, and data processing system for providing automatic, mass-customized preparation of disk images” (abstract). In particular, Bantz discloses providing a “graphical user interface [that] allows the customer to choose among alternative software components to customize the disk image for his or her needs” (paragraph 21, lines 6-8). After the customer provides customer requirements, a “[p]rovisioning engine server 90 retrieves customer requirements...[and] consults knowledge bases 91, 92, and 93 to provide context for the analysis of customer requirements, and transmits a series of provisioning

orders...to disk image manufacturing server 110 which will store them on disk 111" (paragraph 29, lines 1-7).

Bantz makes no mention whatsoever of applying precedence to document content. Therefore, as the Examiner admitted, "Poole et al.[.] and Bantz et al.[.] fail to specifically disclose wherein precedence involves identifying two or more matching document components . . . and dynamically choosing one of the matching components." April 24, 2008, Office action, p.5.

3. Bell fails to disclose applying precedence as claimed

The Examiner relies on Bell to teach wherein "precedence involves identifying two or more matching document components and automatically and dynamically choosing one of the matching components" as was recited in Claim 1. However, as noted above, Claim 1 has been amended to recite "wherein precedence involves the XML processor identifying two or more matching document components and dynamically choosing one of the matching components **based on at least one of an identity of a party requesting the document generation and an identity of an ancestor of the party requesting the document generation.**"

Bell discloses a software application that allows a form designer to create electronic forms by selecting document components from a list of suggestions. (Col. 1, lines 7-12). In particular, the application displays hierarchical data to a form designer. (Col. 3, lines 3-27). The designer selects particular hierarchical data, and the application 1) displays one or more suggested document components for the designer's selection or 2) chooses a "best match" or default shape without additional human intervention. (Col. 9, lines 13-16, col. 10, lines 25-51, col. 25, lines 39-57). The application formats the hierarchical data based on the designer or program selected component and places the formatted data in an electronic form. (Col. 12, lines 9-26).

The Bell patent discloses selecting document components based on user input, by default shape, or by "best match." (Col. 25, lines 47-57). The "data services sniffer 306" suggests valid components for a user-selected node based on the analysis of the shape for a selected node of the tree structure and its corresponding instance data. (Col. 7, lines 21-57). The data services sniffer of block 306 also infers meaning from the XML Data Structure. Id. However, Bell does not dynamically choose one of the matching components "based on at least one of an identity of a

party requesting the document and an identity of an ancestor of the party requesting the document” as recited in claim 1. Thus, for at least these reasons, Applicant respectfully submits that Bell does not disclose applying precedence to document components as recited in Claim 1.

Therefore, Poole, Bantz, and Bell, taken alone or in combination, do not teach or suggest “wherein precedence involves the XML processor identifying two or more matching document components and dynamically choosing one of the matching components **based on at least one of an identity of a party requesting the document and an identity of an ancestor of the party requesting the document** as recited in Claim 1.

Accordingly, for at least the reasons set out above, independent Claim 1 is allowable and dependent Claims 2, 3, 6-18, and 46-47, which depend from independent Claim 1, are also allowable.

#### **B. Rejections of Claims 10-12**

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poole, in view of Bantz and Bell, and in further view of U.S. Patent No. 5,630,127 issued to Moore et al. (hereinafter referred to as “Moore”). Claims 10-12 depend from independent Claim 1 and, therefore, are allowable for at least the reasons set forth above with respect to Claim 1.

#### **C. Rejections of Claims 46-47**

Claims 46-47 have been added by this amendment. Poole, Bantz, Bell, and Moore fail to teach or suggest the limitations of Claims 46-47 for at least the reasons set forth above with respect to Claim 1. In addition, and more specifically, Poole, Bantz, Bell, and Moore each fail to teach or suggest document components with “a precedence level . . . determined according to the depth of the matching document component in a hierarchical structure” and where “precedence further involves the XML processor configured to choose one of the matching document components based on the precedence levels of the matching document components” as recited in Claims 46 and 47.

In the present invention, precedence provides a hierarchical control of content and organization tailored content overrides are evaluated against alternatives, and the nesting of content to arbitrary depths within hierarchical relationships. Specification, paragraph 64.

“Precedence acts like a series of transparencies that, when stacked, produce the correct document tree for the given document by looking at the elements that are ‘on top.’” Specification, paragraph 65. In an embodiment of the invention, a document component node has a precedence level associated with its depth in a hierarchical structure. Specification, paragraph 66. The component at the root (the root node) has the lowest precedence. Id. When precedence is applied, objects of low precedence are overridden with objects of higher precedence when applicable. Id.

Poole, Bantz, Bell, and Moore each fail to teach or suggest any such precedence level associated with document components and selection of components based on such a precedence level as recited in Claims 46 and 47. For these reasons and those set forth above with respect to Claim 1, Claims 46-47 are also allowable.

#### **IV. Conclusion**

In light of the above, Applicant believes that the application is in condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case. Applicant also requests that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Derek C. Stettner', with a long horizontal flourish extending to the right.

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